



City of El Paso – City Plan Commission Staff Report

Case No: PZCR13-00009
Application Type: Condition Release
CPC Hearing Date: January 9, 2014
Staff Planner: Michael McElroy, (915) 541-4238, mcelroyms@elpasotexas.gov
Location: 7380 Alameda
Legal Description: Being a Replat of a Portion of Lot 2, Block 40, Cedar Grove Park Unit 5, and All of Tracts 10B and 10 C, Block 26, Ysleta Grant, City of El Paso, El Paso County, Texas
Acreage: 4.494 acres
Rep District: 3
Current Zoning: C-4/c and C-4/sc (Commercial/condition) and C-4/sc (Commercial/special contract)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Yes (Condition & Special Contract; see attachments 4 and 5)
Request: Release of all conditions imposed by Special Contract, dated June 4, 1970 and Ordinance No. 10030, dated April 3, 1990
Property Owner: City of El Paso
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3 (Commercial) & C-1 (Commercial) / Auto dealership & Auto Inspection Shop
South: R-3 (Residential) / Single Family Homes
East: C-4/sc (Commercial/Special contract) / McDonald's restaurant
West: C-4/c (Commercial/condition) / Auto dealership and junk yard

PLAN EL PASO DESIGNATION: G-3 Post-War (Mission Valley Planning Area)

NEAREST PARK: Riverside Park (3,163 feet)

NEAREST SCHOOL: Riverside Middle School (3,109 feet)

NEIGHBORHOOD ASSOCIATIONS

El Paso Lower Valley Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on December 12, 2013. The Planning Division has not received any letters or phone calls in support or opposition of the condition release request.

APPLICATION DESCRIPTION

The request is to release the conditions imposed by a special contract dated June 4, 1970 and Ordinance No. 10030, dated April 3, 1990. The special contract prohibits any building within 25 feet of Alameda Avenue, as well as requiring certain screening considerations. Ordinance 10030 prohibits buildings closer than 20 feet to the westerly property line as well as a landscape buffer along this same property line.

CITY DEVELOPMENT DEPARTMENT -PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special contract and condition release as the proposed use of the property for a recreation center is a neighborhood amenity that is compatible surrounding land uses, in particular the abutting residential property which the conditions were imposed to protect.

Plan El Paso-Future Land Use Map Designation

All applications for a condition amendment or release shall demonstrate compliance with the following criteria:

G-3 – Post War: This sector applies to transitional neighborhoods typically developed from the 1950s through

the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-4 (Regional Commercial) district is to provide commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

City Development Department – Planning Division - Transportation

No objections.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department - Land Development

No objections.

City Development Department – Building Permits & Inspections

No objections to the condition release

El Paso Fire Department

No objections to the condition release only at this time.

El Paso Water Utilities

We have reviewed the site plan request referenced above and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water

2. There is an existing 12-inch diameter water main that extends along Alameda Ave. located approximately 29 feet south of the street centerline. This main is available for service.
3. There is an existing 6-inch diameter water main that extends along Carolina Dr. located approximately 15 feet east of the street centerline. This main is available for service.
4. Previous water pressure readings from fire hydrant #39 located on north easts intersection of Alameda Ave. and Carolina Dr. have yielded a static pressure of 100 pounds per square inch, a residual pressure of 90 pounds per square inch and a discharge of 1547 gallons per minute.
5. Private water pressure regulating devices will be required within the proposed development. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. The lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices

Sanitary Sewer:

6. There is an existing 8-inch diameter sanitary sewer main that extends along Alameda Ave. located approximately 25 feet north of the street centerline. This main is available for service.
7. There is an existing 8-inch diameter sanitary sewer main that extends along Carolina Dr. located

approximately 1.5 feet west of the street centerline. This main is available for service.

8. There is an existing 10-inch diameter sanitary sewer force main that extends along Carolina Dr. located approximately 10 feet west of the street centerline. No direct service connections are allowed to this sanitary sewer main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

General:

9. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing a condition release request application:

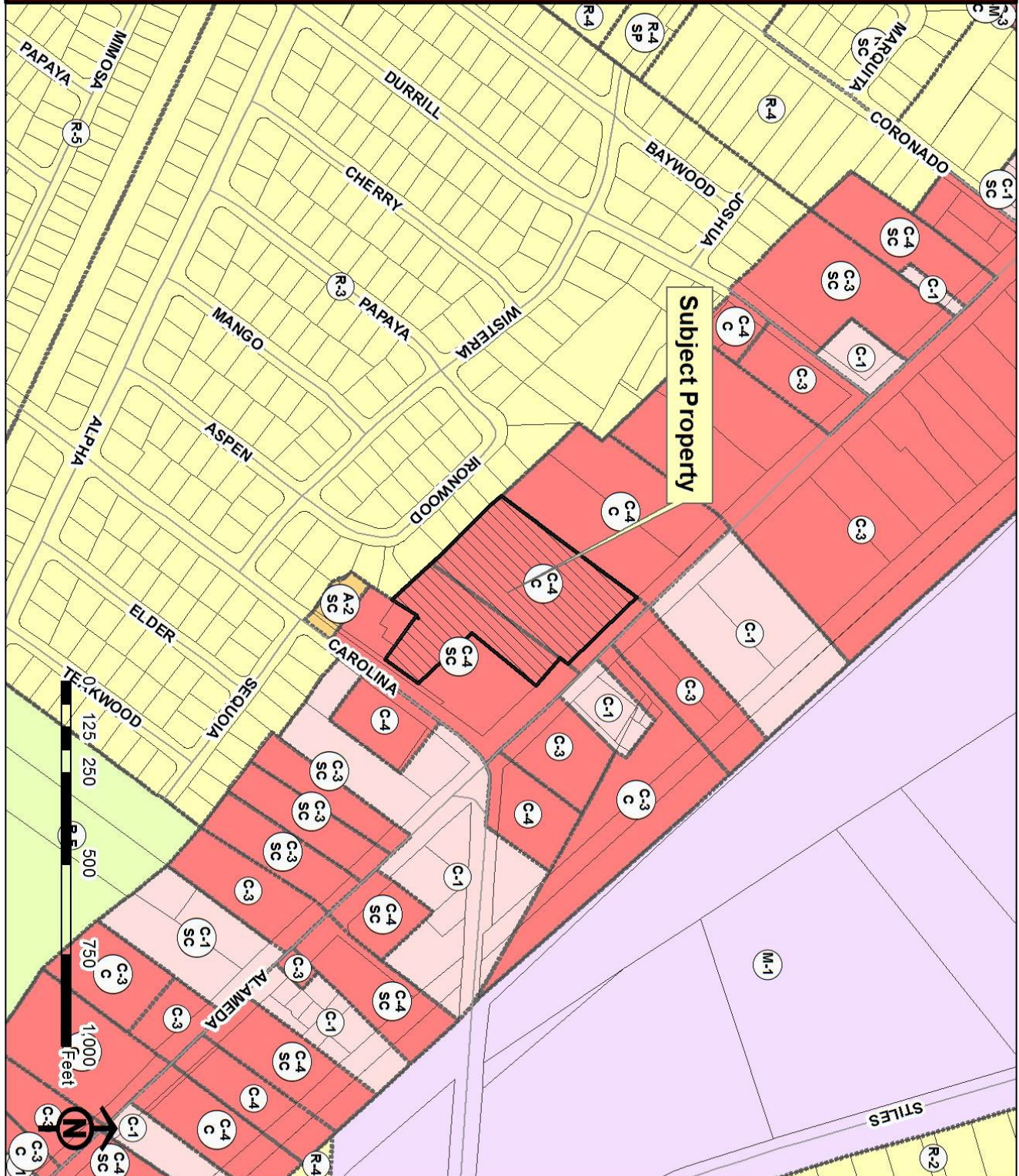
1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Special Contract dated June 3, 1970
5. Ordinance 10030

ATTACHMENT 1: ZONING MAP

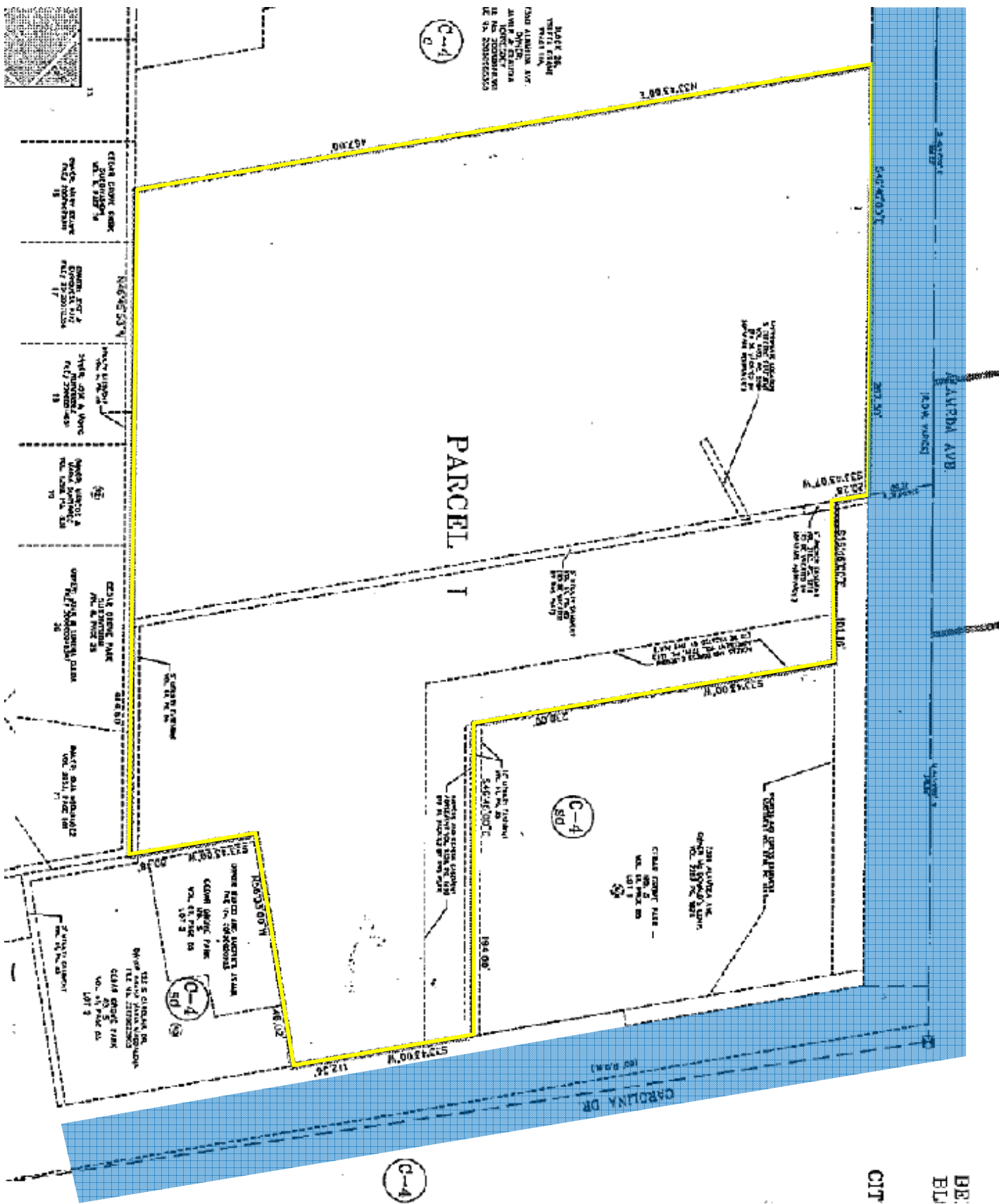
PZCR13-00009



ATTACHMENT 2: AERIAL MAP

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CONTRACT

This contract, made this 3 day of June, 1970, by and between Lonnie G. Dudley (owner of the hereinafter described property), and Sarah J. Van Till (holder of a recorded lien thereon), First Parties, and the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Tract 9A, Block 36, Ysleta Grant in the City of El Paso, El Paso County, Texas, according to the resurvey thereof made by El Paso County, Texas for tax purposes.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned to C-4 within the meaning of the Zoning Ordinance, the property will be subject to the following restrictions:

- 1) No building, structure or part thereof will be constructed on the property closer than twenty-five feet to the property line which fronts on Alameda Avenue.
- 2) Lonnie G. Dudley will construct a six-foot high masonry wall around the three sides of the property which do not face on Alameda Avenue, before any use which requires C-4 zoning is made of the property. As long as a C-4 use of the property is made such wall will be repaired and maintained in good condition by Lonnie G. Dudley and his successors in title.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seal:

ATTACHMENT 5: ORDINANCE 10030

010030

AN ORDINANCE CHANGING THE ZONING OF
TRACTS 10B AND 10C, BLOCK 26, YSLETA GRANT
AND IMPOSING CERTAIN CONDITIONS.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Tracts 10B and 10C, Block 26, Ysleta Grant, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from C-1 (Commercial) to C-4 (Commercial) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from C-1 (Commercial) to C-4 (Commercial), in order to protect the health, safety and welfare of adjacent property owners and the residents of the city:

1. No building shall be located closer than 20 feet to the westerly property line which abuts Lots 16 - 20, Block 12, Cedar Grove Subdivision.
2. Prior to the issuance of any building permits a 10-foot wide landscaped area must be provided along the westerly property line, adjacent to Lots 16 - 20, Block 12, Cedar Grove Subdivision. This landscaped area must consist of drought-tolerant evergreen trees, spaced 10 feet apart and six feet tall at the time of planting.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any

ATTACHMENT 5: ORDINANCE 10030 (CONTINUED)

successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 3rd day of April, 1990.

THE CITY OF EL PASO

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: RE.
7-30-90 COUNTER
7-30-90 ORIGINAL
7-30-90 Bldg. Inspection
7-30-90 CONTROL
[Signature]

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Department of Planning,
Research and Development

(SIGNATURES CONTINUE ON FOLLOWING PAGE)

I certify that the zoning map has been revised to
reflect the amendment of ordinance #010030
By [Signature] Date 7-30-90

89-5530
010030